IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 822 of 2006 (M/S)

Rampal Singh s/o Sri Hari Singh,
R/o Village Makhiyali Kalan,
Tehsil Laksar, District Haridwar. ……. Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Food & Civil Supplies,
Secretariat, Dehradun.
2. District Supply Officer,
Haridwar.
3. Up Zila Adhikari, Laksar,
District Haridwar.
4. Village Panchayat Makhiyali Kalan,
Tehsil Laksar, District Haridwar,
Through its Village Pradhan.
5. Mahipal Singh S/o Sri Dila Ram,
R/o Village Chidiyapur, Tehsil Laksar,
District Haridwar. ……. Respondents

Mr. Lok Pal Singh, Advocate for the petitioner.
Mr. N.B. Tewari, Chief Standing Counsel for respondents Nos. 1 to 3.
None for respondents Nos. 4 & 5.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Lok Pal Singh, Advocate for the petitioner.

Mr. N.B. Tewari, Chief Standing Counsel for respondents Nos. 1 to 3.

None for respondents Nos. 4 & 5.

2. Petitioner Rampal Singh, in the second round of litigation, has filed this writ petition for the following reliefs:

"I) Issue a writ, order or direction in the nature certiorari quashing the impugned order dated 11.05.2006

passed by the respondent no. 3, contained annexure no. 6 to this writ petition.

ii) Issue a writ, order or direction in the nature certiorari quashing the resolution dated 12.01.2006 passed by the respondent no. 4 contained annexure no. 2 to this writ petition.

iii) Issue a writ, order or direction in the nature mandamus commanding / directing the respondent nos. 1 to 4 not to make any allotment in favour of respondent no. 5 in pursuance of resolution dated 12.01.2006.

iv) Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner.

v) Cost of the petition be awarded in favour of the petitioner."

3. The petitioner, in substance, is aggrieved by the impugned order dated 11.05.2006, whereby the petitioner's representation dated 30.01.2006 has been rejected by the third respondent.

4. The petitioner is an existing licensee of the fair price shop at Village Makhiyali Kalan. The petitioner's case is that the selection of respondent No. 5 Mahipal Singh for grant of the license for the fair price shop at Chidiyapur is against the provisions of law and the same would adversely affect the business interest of the petitioner.

5. From the impugned order, we gather that one Atma Ram was granted license in the year 1995 to run the fair price shop at Chidiyapur. It was on account of the resignation of said Atma Ram in September, 2005 that the ration cards of his shop were temporarily attached to the fair price shop of the petitioner. Thus, it is apparent that those ration cards were allotted to the petitioner's fair price shop as a 'stop gap' arrangement only, which will not create any right in his favour.

6. We do not find any illegality in the process of selection of respondent No. 5 Mahipal Singh for grant of the license for the fair price shop at Chidiyapur.

7. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed summarily.

8. Consequently, CLMA No. 8704 of 2006 stands dismissed.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
14.07.2006 14.07.2006

G